

U.S. Patent Application No. 10/689,755
Amendment dated May 9, 2007
Reply to Office Action of February 21, 2007

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REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

Claims 1-11 are now pending. New claims 8-11 have been added by way of this amendment. Support for the new claims can be found, for instance, at page 9, line 16 to page 10, line 6 of the present application, as well as the Figures, such as Fig. 1. Accordingly, full support for this amendment exists and no questions of new matter should arise. Entry of this amendment is respectfully requested.

Rejection of claims 1, 4, and 5 under 35 U.S.C. §103(a) -- Sathyanarayana

At page 2, item 2 of the Office Action, the Examiner rejects claims 1, 4, and 5 under 35 U.S.C. §103(a) as being obvious over Sathyanarayana (U.S. Patent Application Publication No. 2004/0146201). The Examiner asserts that Sathyanarayana discloses most of the limitations of the claims, including an "edge window setting unit," an "element setting unit," and an "edge detection unit," but admits the reference does not image a workpiece. This rejection is respectfully traversed.

Sathyanarayana can only be alleged prior art for purposes of §103(a) through its §102(e) U.S. filing date of January 27, 2003. The present application was filed in the U.S. on October 21, 2003 and claims priority to the Japanese priority filing date of October 23, 2002, which is earlier than the U.S. filing date of Sathyanarayana. Therefore, Sathyanarayana is not prior art to the claimed invention. To further confirm this point, attached is a certified English translation of the Japanese priority document, namely Japanese Patent Application No. 2002-308006, which was filed October 23, 2002. As can be seen, the claims as pending in the present application are fully supported by this application and, therefore, Sathyanarayana is not prior art to the claimed

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invention. For this reason, this rejection should be withdrawn.

Rejection of claims 2, 3, 6, and 7 under 35 U.S.C. §103(a) – Sathyanarayana and "Official Notice"

At page 3, item 3 of the Office Action, the Examiner also rejects claims 2, 3, 6, and 7 under 35 U.S.C. §103(a) as being obvious over Sathyanarayana in view of alleged "official notice" of certain window-setting parameters. This rejection is respectfully traversed.

For the same reasons set forth above, as indicated, Sathyanarayana is not prior art to the claims of the present application. For this reason alone, this rejection should be withdrawn as well.

Also, for the record, the applicants do traverse the various Official Notices taken by the Examiner with respect to these claims. The Examiner has not shown how the cited reference or the points taken as Official Notice can be combined and, further, the Examiner has not shown how the various points of Official Notice would be prior to the claimed invention, which is entitled to a filing date of October 23, 2002.

For these additional reasons, this rejection should be withdrawn.

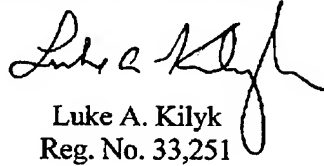
CONCLUSION

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

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Respectfully submitted,


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Attachment: Certified English translation of the Japanese priority document
(Japanese Patent Application No. 2002-308006)